

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**

Theresa Andriulli, Jane Doe, individually and on behalf of all others similarly situated

## DEFENDANTS

Danone North America, LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

Sheehan & Associates, P.C., 505 Northern Boulevard, Suite 311, Great Neck, NY 11021, (516) 303-0552

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

## 28 USC § 1332, False advertising

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes

#### NATURE OF SUIT

## TORTS

## ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[ ] 110 INSURANCE MARINE	[ ] 310 AIRPLANE [ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[ ] 625 DRUG RELATED SEIZURE OF PROPERTY	[ ] 422 APPEAL 28 USC 158	[ ] 375 FALSE CLAIMS
[ ] 120 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	21 USC 881	[ ] 423 WITHDRAWAL	[ ] 376 QUI TAM
[ ] 130 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 690 OTHER	28 USC 157	[ ] 400 STATE REAPPORTIONMENT
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE PRODUCT LIABILITY	[ ] 820 COPYRIGHTS	<b>PROPERTY RIGHTS</b>	[ ] 410 ANTITRUST	
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 830 PATENT	[ ] 430 BANKS & BANKING		
[ ] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE [ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD [ ] 371 TRUTH IN LENDING	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[ ] 450 COMMERCE	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 840 TRADEMARK	[ ] 460 DEPORTATION	
[ ] 160 STOCKHOLDERS SUITS	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY	<b>SOCIAL SECURITY</b>	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 190 OTHER CONTRACT	<b>ACTIONS UNDER STATUTES</b>	<b>PRISONER PETITIONS</b>	[ ] 861 HIA (139ff)	[ ] 480 CONSUMER CREDIT	
[ ] 195 PRODUCT LIABILITY	[ ] 463 ALIEN DETAINEE	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 862 BLACK LUNG (923)	[ ] 490 CABLE/SATELLITE TV	
[ ] 196 FRANCHISE	[ ] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[ ] 720 LABOR/MGMT RELATIONS	[ ] 863 DIWC/DIWW (405(g))	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
[ ] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 864 SSID TITLE XVI	[ ] 865 RSI (405(g))	[ ] 890 OTHER STATUTORY ACTIONS	
[ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[ ] 530 HABEAS CORPUS	<b>FEDERAL TAX SUITS</b>	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 891 AGRICULTURAL ACTS	
[ ] 441 VOTING	[ ] 535 DEATH PENALTY	[ ] 790 OTHER LABOR LITIGATION	[ ] 871 IRS-THIRD PARTY	[ ] 893 ENVIRONMENTAL MATTERS	
[ ] 442 EMPLOYMENT	[ ] 540 MANDAMUS & OTHER	[ ] 791 EMPL RET INC SECURITY ACT (ERISA)	26 USC 7609	[ ] 895 FREEDOM OF INFORMATION ACT	
[ ] 443 HOUSING/ ACCOMMODATIONS	<b>IMMIGRATION</b>	[ ] 462 NATURALIZATION APPLICATION	[ ] 896 ARBITRATION		
[ ] 220 FORECLOSURE RENT LEASE & EJECTMENT	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 465 OTHER IMMIGRATION ACTIONS	[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION		
[ ] 230 TORTS TO LAND	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	CONDITIONS OF CONFINEMENT	[ ] 950 CONSTITUTIONALITY OF STATE STATUTES		
[ ] 240 TORT PRODUCT LIABILITY	[ ] 448 EDUCATION				
[ ] 290 ALL OTHER REAL PROPERTY					

*Check if demanded in complaint:*

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

**IF SO, STATE:**

DEMAND \$5,000,000 OTHER

JUDGE DOCKET NUMBER

*Check YES only if demanded in complaint*  
**JURY DEMAND:**  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<input type="checkbox"/> a. all parties represented						<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input type="checkbox"/> 3 FEDERAL QUESTION	<input checked="" type="checkbox"/> 4 DIVERSITY (U.S. NOT A PARTY)
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**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [X] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[X] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Theresa Andriulli, 135 RANGELY ST, WEST HAVEN, CT 06516 - New Haven County

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Danone North America, LLC, 1 MAPLE AVENUE, WHITE PLAINS, NEW YORK, 10605 - Westchester County

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE 06/02/2019 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # /s/ Spencer Sheehan

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[X] YES (DATE ADMITTED Mo. 7 Yr. 2012)  
Attorney Bar Code # SS-2056

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)